

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 74 be amended to read as follows:

- 1       Page 5, line 20, delete "A" and insert "**Subject to subsection (e), a**".
- 2       Page 5, line 29, delete "declarant and" and insert "**declarant**".
- 3       Page 5, line 30, delete "guardian." and insert "**guardian, and the**
- 4       **alternate standby guardian, if any.**".
- 5       Page 5, line 32, delete "to be placed in the care and custody of the"
- 6       and insert "**for whom a standby guardian is designated by the**
- 7       **declaration:**".
- 8       Page 5, delete line 33.
- 9       Page 5, between lines 37 and 38, begin a new line block indented
- 10      and insert:
- 11      **"(3) A statement that the declaration becomes effective upon**
- 12      **the death or incapacity of the declarant.**
- 13      **(4) A statement that the declaration terminates ninety (90)**
- 14      **days after becoming effective unless the standby guardian**
- 15      **files a petition for a guardianship of the minor or protected**
- 16      **person during that ninety (90) day period.**".
- 17      Page 6, between lines 4 and 5, begin a new paragraph and insert:
- 18      **"(e) A declaration executed under this section must be**
- 19      **considered by, but is not binding upon, the department of child**
- 20      **services, a probation department, or a juvenile court for purposes**
- 21      **of determining the placement of a child who is the subject of:**

- 1           **(1) an allegation of child abuse or neglect under IC 31-33;**
- 2           **(2) an open child in need of services case under IC 31-34; or**
- 3           **(3) an open delinquency case under IC 31-37."**

(Reference is to SB 74 as printed January 19, 2011.)

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Senator ZAKAS